

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1 and 6-9 were pending. By this Amendment, Claims 10-17 have been newly added. No new matter has been added. Therefore, after entry of this Amendment, Claims 1 and 6-17 will be currently pending.

In the Office Action dated April 16, 2008, Claims 1, 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,394,897 to Togami ("Togami") in view of U.S. Patent No. 6,312,335 to Tosaki, et al., ("Tosaki") and U.S. Patent No. 6,746,331 to Saikawa et al. ("Saikawa") and Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Togami, Tosaki, and Saikawa in view of Cheng, U.S. Patent No. 5,667,220 (hereinafter, "Cheng").

Claim 1, as currently pending, recites game system including a game machine and an input device, under which a player plays a game using said input device. The input device comprises an acceleration sensor for generating an acceleration correlation signal when the player actually swings the input device in a real space, and a transmission unit for transmitting the generated acceleration correlation signal to the game machine, and the game machine displays a ball on a monitor screen through execution of a game program in which a CPU player controlled by a computer program plays against the player, and further comprises: a first calculation unit for calculating a predicted return position of the ball returned by said CPU player, a judgment unit for judging whether a current position of the player is in a ball strikable range by comparing the predicted return position and the current position of the player, a ball striking

position movement unit for automatically moving a ball striking position of the player to be approximated to the predicted return position in which the judgment unit judges that the current position is out of the ball strikable range, a swing detection unit for detecting whether the input device has been actually swung or not, and a second calculation unit for calculating an initial speed vector of the ball after received when said swing detection unit has detected a swing in which the position of the ball exists in a ball receivable range that is three-dimensionally defined, from a position of the ball and acceleration of the input device according to the acceleration correlation signal.

Similar features have included in Claim 6 except the system is designed for more than one player. New Claims 10-17 are method claims corresponding to Claims 1 and 6-9.

The Office Action admitted that Togami fails to teach or suggest an input device, a judgment unit and a second calculation unit of Claims 1 and 6, but asserted that Tosaki teaches a game system including a game machine and an input device that comprises an acceleration sensor for generating an acceleration correlation signal when the player actually swings the input device in real space, and a transmission unit for transmitting the generated acceleration correlation signal to the game machine, and a swing detection unit for detecting whether the input device has actually been swung or not. Further, the Office Action alleged that Saikawa teaches a judgment unit and a second calculation unit. Applicants respectfully disagree at least based on the following reasons.

Disclosure of Togami

In Togami, as shown in Fig. 13, to receive a ball, a ball landing position is first determined (S101) and a first cursor is displayed on the landing position (S105). A player character nearest the first cursor is then selected (S106), and a second cursor is displayed on the selected player (S107). Afterward, the CPU assigns a first lever to the selected player, and detects the position of the second cursor (player (S108)). In step S109, it is then determined whether or not the distance between the first cursor (i.e., the landing position) and the second cursor (i.e., the selected player character) is less than a successful receiving distance. If the answer is "YES", the position of the player character is corrected to the first cursor (i.e., the landing position) (S110) to receive the ball. On the other hand, if the answer is "NO" in the step S110, it is further determined whether or not the ball reaches the landing position (S112). If "YES" in the step S112, the CPU displays a receiving error (S113).

It is clearly from the above description, in step S108, the first lever is allotted to the player character. Therefore, in Togami, a player of the game must control the player character by operating the first lever such that the distance between the selected player character and the landing position becomes less than the successful receive distance. Unless the player character is moved by the player operating the first lever (S109, S110) to a position that the distance is less than the successful receive distance, the player character can not be automatically moved to the first cursor (i.e., the landing position).

The Office Action alleged that Claims 5 and 6 of Togami teach the "automatic player movement" feature. Applicants, however, would like to point out the differences

by first explaining Togami's Claim 4 for the reason that Claim 5 depends from Claim 4. Claim 4 recites that the control disabling means disable the control for the player character when the player character and the indicia are separated by the predetermined distance until the ball reaches the landing position. Please noted that the term "control" indicates the control in "control means operable by the game player for controlling the player characters" in Claim 1. That is, in Togami, when the player character approaches the indicia, the control by the player to the player character is made inactive so that the player character can be automatically moved to the ball landing position. This is clearly described in the specification of Togami.

Therefore, Claim 5, even Claim 6 of Togami specifies that when the control of the player character by the player is disable, the automatic player character movement means automatically moves the player character to the landing position.

From the foregoing, in Togami, the player will successfully receive the ball when the distance between the player character (i.e., the second cursor) and the ball landing position (i.e., the first cursor) is less than the successful receiving distance. That is, to receive the ball, the player must use the first lever to move the second cursor (i.e., the selected player character) to the first cursor (i.e., the landing position). If he successfully moves the second cursor within the successful receiving distance from the first cursor, the player character is then automatically moved to the landing position by the CPU.

In contrast, in the present invention, in a case that the position of the player is out of the strikable range, the ball striking position is then automatically moved to the predicted return position. Such feature cannot be applied to Togami because if in

Togami, when the player character is out of the successful receiving distance, the player nearest the ball landing position would be automatically moved to the landing position. In this case, the player who would enjoys the game through the control of the player character position by a lever cannot enjoy the game anymore because the ball is always returned to the landing position no matter what happens and the player has no way to actually move the player character to receive the ball. In such a case, the game is merely a battle between a computer and a computer, no longer a battle between a player and the computer.

Furthermore, in Togami, the player controls the position of the player character by using the first lever. There is no need to use a lever in the present application.

Accordingly, in addition to the lack of the input device, the judgment unit and the second calculation unit of Claims 1 and 6, as admitted in the Office Action, Togami further fails to teach or suggest "a ball striking position movement unit for automatically moving a ball striking position of the player to be approximated to the predicted return position in which the judgment unit judges that the current position is out of the ball strikable range," as recited in Claim 1, and similarly in Claim 6.

It is also noted that in the present invention, the initial speed of the ball is determined when the swing is detected within the receivable range. That is, the player controls the swing timing but not the ball striking position because the ball striking position is automatically moved.

Togami provide the volleyball game that it is possible for the player character to easily perform the receiving action even if the player is inexperienced to the volleyball game and/or the controller operation. As described above, in Togami, the player only

needs to operate the lever to move the player character into the successful predetermined distance.

In contrast, the present invention is directed to the game that the ball is returned through the swing of the input device, and therefore, in the present invention, the input parameters by the player are not only the position movement but also the timing of the swing of the input device. Therefore, by automatically move the ball when the ball is out of the striking position, all the burden to the player for moving the ball striking position is reduced and thus the player can concentrate on the swing of the input device only.

Such a big difference between the present invention and Togami may come from that Togami operates lever while the present invention swings the input device.

Disclosure of Saikawa

The Office Action alleged that Saikawa teaches a judgment unit for determining that the current position is out of ball-strikable range, and a second calculation unit for calculating an initial speed vector of the ball after the ball has been swung, as recited in Claim 1 and similarly in Claim 6. Applicants respectfully disagree.

In Saikawa, the player controls the position of a character by a stick 202 and the timing of a swing by the character by a button 200. It is then determined whether or not the position of the character based on the stick operation is proper in the step 306, and whether or not the operation timing of the button 200, i.e. the swing timing is proper in the step 314.

When both of the operations are proper, i.e. when "YES" are determined in both steps 314 and 318, the CPU executes a return display in the step 332. Even if the

operation timing of the button 200 is not proper, it is further determined whether or not it is in a correctable range in step 320. If it is in the correctable range, the operation or action of the character is adjusted in accordance with the operation timing in steps 324 and 326 to be regarded as the swing timing was proper. In such a case, it determines whether or not the character position is proper in step 318. If the character position is proper, i.e. the flag F is "1", it is also execute the return display in step 332.

From the above, Saikawa intends to avoid an unequal playing condition by correcting the operation timing of the button 200, i.e. the timing of the swing. That is, because the timing operated by the player of the screen display the near side court 208A is different from the timing of the far side court 208B, Saikawa cancels the inequality resulted by the experience or inexperience to the near side court 208A or the far side court 208B.

However, Saikawa only corrects the operation timing (swing timing), and fails to correct the position of the character. In Saikawa, the player must operate the position of the character by using the stick 202.

In contrast, the position of the player character is corrected in the present invention, but not the operation timing as in Saikawa. Accordingly, on contrary to the allegation in the Office Action, Saikawa fails to teach or suggest at least a judgment unit for judging whether a current position of the player is in a ball strikable range by comparing the predicted return position and the current position of the player, as recited in Claim 1 and similarly in Claim 6.

Furthermore, as described above, in Saikawa, the player must physically control the stick to move the character to a proper position. Only when the character position is proper, the timing can be corrected if it is improper.

Tosaki also fails to cure the deficiency of Togami and Saikawa. As described above, both Togami and Saikawa require the player to control the player character position by a lever or a stick. Togami does not automatically move the ball striking position to a predicted returned position when the ball is out of the ball strikable range and Saikawa cannot correct the character position. Therefore, even if Saikawa is combined to Togami, it is impossible to reach the feature of "automatically moving a ball striking position of said player to be approximated to said predicted return position in which said judgment unit judges that the current position is out of the ball strikable position," as recited in Claims 1 and 6. In view of the above, it would not have been obvious for one skilled in the art to combine Togami, Tosaki, and Saikawa to achieve the game system of Claims 1 and 6.

Accordingly, Claims 1 and 6 are allowable over the cited art. Claim 7, which depends on Claim 1 or 6, is also allowable at least due to its dependency from allowable independent claims.

With regard to the rejection of Claims 8 and 9, Applicants respectfully submit that Cheng also fails to cure the deficiency of Togami, Tosaki, and Saikawa. Furthermore, at least due to their dependency from patentable independent claim, Claims 8 and 9 are also likewise allowable.

As to new Claims 10-17, which are method claims but have similar features of Claims 1 and 6-9, are also allowable at least based on the reasons stated above with reference to Claims 1 and 6.

Conclusion

For all of the above reasons, it is respectfully submitted that claims 1 and 6-17 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number100341-00054.

Respectfully submitted,
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